

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Date: September 10, 2004

Darin Barri and Ray Martin

Group Art Unit: 3712

Serial No.: 10/660,344

Examiner: Urszula M. Cegielnik

Filed: September 10, 2003

Attorney Ref. MAT 3H5

For: BREATH-SENSITIVE TOY

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313
ATTN: E. Shirene Willis

Sir:

REQUEST FOR RECONSIDERATION
OF PETITION UNDER 37 C.F.R. § 1.47(a)

In response to the Decision Refusing Status Under 37 C.F.R. § 1.47(a), a copy of the above-identified application was forwarded to the last known address of the non-signing inventor, Ray Martin, on July 15. Mr. Martin has changed his decision of refusing to join in the application, and has executed a Declaration for Patent Application on August 26, 2004, which is enclosed with this Request. Applicants respectfully request that the executed Declaration be entered in the file and that the Petition Under 37 C.F.R. § 1.47(a) be granted.

CERTIFICATE OF MAILING

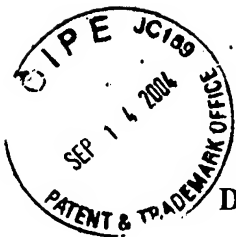
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313, ATTN: E. Shirene Willis, on September 10, 2004.

Josi Bridges

Date of Signature: September 10, 2004

Respectfully submitted,
KOLISCH HARTWELL, P.C.

Charles H. DeVoe
Customer No. 23581
Registration No. 37,305
of Attorneys for Mattel, Inc.
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679



DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION
English Language Declaration

As a below-named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe that I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

BREATH-SENSITIVE TOY

the specification of which

_____ is attached hereto, or

 X was filed on September 10, 2003 as U.S. Patent Application Serial No. 10/660,344.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including, for continuation-in-part applications, material information that became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f) or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application that designated at least one country other than the United States of America, listed below, and also have identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Claimed?	Certified Copy Attached?

POWER OF ATTORNEY:

I hereby appoint:

Practitioners at Kolisch Hartwell, P.C., associated with Customer No.: **23581**

as my attorneys and agents to prosecute the above-identified patent application and to transact all business in the United States Patent and Trademark Office connected therewith.

These practitioners currently include:

J. Pierre Kolisch, Reg. No. 15,802; John M. McCormack, Reg. No. 26,948; Peter E. Heuser, Reg. No. 27,902; David P. Cooper, Reg. No. 33,372; Pierre C. Van Rysselberghe, Reg. No. 33,557; Walter W. Karnstein, Reg. No. 35,565; Charles H. DeVoe, Reg. No. 37,305; David S. D'Ascenzo, Reg. No. 39,952; Owen W. Dukelow, Reg. No. 41,002; James R. Abney, Reg. No. 42,253; Mark D. Alleman, Reg. No. 42,257; M. Matthews Hall, Reg. No. 43,653; Christopher S. Tuttle, Reg. No. 41,357; B. Anna McCoy, Reg. No. 46,077; Ellen M. Gonzales, Reg. No. 44,128; Jason C. Creasman, Reg. No. 51,587; Edward B. Anderson, Reg. No. 30,154; Peter D. Sabido, Reg. No. 50,353; John D. Russell, Reg. No. 47,048; Douglas W. McArthur, Reg. No. 50,795; Stanley M. Hollenberg, Reg. No. 47,658; and Anton E. Skaugset, Reg. No. 38,617.

DIRECT COMMUNICATIONS TO:

Charles H. DeVoe

Kolisch Hartwell, P.C.

200 Pacific Building

520 S.W. Yamhill Street

Portland, Oregon 97204

Telephone: (503) 224-6655

Facsimile: (503) 295-6679

Email: chuck@khpatent.com

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or first joint inventor: DARIN BARRI

Inventor's signature: _____

Date: _____

Residence: El Segundo, California

Citizenship: U.S.

Post Office Address: 2718 Oakhurst Avenue
El Segundo, California 90034

Full name of second joint inventor: RAYMOND J. MARTIN

Inventor's signature: Raymond J. Martin

Date: 8/26/2004

Residence: Torrance, California

Citizenship: U.S.

Post Office Address: 3621 Emerald Street, Apt. #31
Torrance, California 90503